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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

UNITED STATES FOOD AND
DRUG ADMINISTRATION, et al.

Defendants.

NO. 1:23-cv-03026-TOR

DECLARATION OF
ANDREW HUGHES IN SUPPORT
OF PLAINTIFF STATES' REPLY
RE MOTION FOR PRELIMINARY
INJUNCTION

I, Andrew Hughes, declare as follows:

1. I am over the age of 18, am competent to testify as to the matters herein, and make this declaration based on my personal knowledge.

2. I am an Assistant Attorney General with the Washington State Office of the Attorney General.

1 3. Attached hereto as Exhibit A is a true and correct copy of the
2 October 4, 2022 Citizen Petition of the American College of Obstetricians and
3 Gynecologists (and 48 other organizations).

4 4. Attached hereto as Exhibit B is a true and correct copy of the
5 September 29, 2021 Letter from *Chelius* Plaintiffs to the FDA.

6 5. Attached hereto as Exhibit C is the Appendix to the September 29,
7 2021 Letter from the *Chelius* Plaintiffs to the FDA.

8 6. Attached hereto as Exhibit D is a true and correct copy of the March
9 30, 2020 letter of then-California Attorney General Xavier Becerra and other
10 Attorneys General to HHS and the FDA.

11 7. Attached hereto as Exhibit E is a true and correct copy of the
12 November 3, 2015 letter to the FDA signed by the American Public Health
13 Association (Population, Reproductive, and Sexual Health Section); Gynuity
14 Health Projects; Ibis Reproductive Health; the National Abortion Federation; and
15 clinicians from the Albert Einstein College of Medicine, Columbia University,
16 Princeton University, Stanford University, the University of California San
17 Francisco, the University of North Carolina, the University of New Mexico and
18 the University of Ottawa, among others.

19 8. Attached hereto as Exhibit F is a true and correct copy of the
20 November 4, 2015 letter to the FDA from the American College of Obstetricians
21 and Gynecologists.

1 9. Attached hereto as Exhibit G is a true and correct copy of the
2 transcript of the Remarks of Secretary Xavier Becerra at the Press Conference in
3 Response to President Biden’s Directive following Overturning *Roe v. Wade*
4 delivered June 28, 2022.

5 10. Attached hereto as Exhibit H is a true and correct copy of the June
6 20, 2019 letter of the American Academy of Family Physicians to the FDA.

7 11. Attached hereto as Exhibit I is a true and correct copy of the
8 Complaint in *American College of Obstetricians & Gynecologists v. FDA*, 8:20-
9 cv-01320-TDC (D. Md.) filed May 27, 2020.

10 12. Attached hereto as Exhibit J is a true and correct copy of the August
11 13, 2021 letter from the Society of Family Planning to the FDA.

12 13. Attached hereto as Exhibit K is a true and correct copy of the
13 October 6, 2021 letter from The American College of Obstetricians and
14 Gynecologists to the FDA.

15 14. Attached hereto as Exhibit L is a true and correct copy of the June
16 21, 2022 letter from The American College of Obstetricians and Gynecologists
17 and the American Medical Association to the FDA.

18 15. Attached hereto as Exhibit M is a Chronology of FDA
19 Communications that I prepared.
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1 I declare under penalty of perjury under the laws of the State of
2 Washington and the United States of America that the foregoing is true and
3 correct.

4 DATED this 24th day of March, 2023 at Seattle, Washington.

5
6 s/Andrew Hughes
7 Andrew Hughes
8 Assistant Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

DATED this 24th day of March, 2023, at Seattle, Washington.

/s/Kristin Beneski
KRISTIN BENESKI, WSBA #45478
First Assistant Attorney General